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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

ALEX VILLANUEVA,

Plaintiff,

vs.

COUNTY OF LOS ANGELES,
COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT, LOS
ANGELES COUNTY BOARD OF
SUPERVISORS, COUNTY EQUITY
OVERSIGHT PANEL, LOS
ANGELES COUNTY OFFICE OF
INSPECTOR GENERAL,
CONSTANCE KOMOROSKI,
MERCEDES CRUZ, ROBERTA
YANG, LAURA LECRIVAIN,
SERGIO V. ESCOBEDO, RON
KOPPERUD, ROBERT G. LUNA,
MAX-GUSTAF HUNTSMAN,
ESTHER LIM, and DOES 1 to 100,
inclusive,

Defendants.

Case No.: 2:24 cv 04979 SVW (JC)

The Honorable Stephen V. Wilson

**PLAINTIFF ALEX VILLANUEVA'S
MEMORANDUM OF POINTS AND
AUTHORITIES IN OPPOSITION TO
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT OR, IN THE
ALTERNATIVE, SUMMARY
ADJUDICATION OF ISSUES**

(Filed concurrently with Appendix of
Evidence; Plaintiff's Separate Statement;
Plaintiff's Objections to Evidence and
[Proposed] Order on Plaintiff's Objections to
Evidence; [Proposed])

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MEMORANDUM OF POINTS AND AUTHORITIES

1. INTRODUCTION

This case is about political retaliation—plain and simple. Alex Villanueva served Los Angeles County for over 36 years, including four as the elected Sheriff. But from the moment he took office in 2018, he became a target of the Board of Supervisors because he spoke out. He criticized waste, no-bid contracts, ballot measures that shifted power away from voters, and policies he believed endangered public safety. That speech was protected under the First Amendment—but instead of engaging him on the issues, the Board tried to silence him.

When Supervisor Sheila Kuehl’s deputy, Veronica Pawlowski, heard Villanueva refer to the Board as “corrupt,” she called it “inappropriate and offensive”—even though one of the Board’s own members, Mark Ridley-Thomas, was later federally indicted and convicted for public corruption (PSS Nos. 3–4). In October 2020, Ridley-Thomas and Kuehl authored a motion aimed at removing Villanueva from office—an act of political retaliation for his anti-corruption stance (PSS No. 4). When that effort failed, the Board directed Inspector General Max Huntsman to “explore all legal options” to get rid of Villanueva. Huntsman later admitted he was given that instruction (PSS Nos. 5–6).

But when the Board couldn’t remove him legally, it tried to do so through backchannels. In March 2022, Huntsman and Esther Lim—both longtime political allies of the Board—filed nearly identical complaints simultaneously under the County’s Policy of Equity. Internal messages showed they coordinated their efforts and agreed to “support each other” so the complaints would become public and damage Villanueva’s reputation (PSS Nos. 13-14). Their complaints didn’t focus on race, gender, or ethnicity—they focused on Villanueva’s speech.

The investigation was “complete” in May 2023. But they did nothing—until Villanueva announced in September 2023 that he was running for a seat on the Board. (PSS No. 15). Just a month later, the County quietly placed a “Do Not Rehire” notice in his file. Then, right as ballots were mailed to voters, the Los Angeles Times ran a story

1 leaking the decision (PSS Nos. 30). Villanueva only found out about it from the paper.

2 The facts here aren't just suspicious—they show a coordinated political attack. The
3 investigator in the case falsely testified that she recorded the interview with Kyla Coates,
4 even though it wasn't recorded. Coates was the only witness who claimed Villanueva said
5 anything direct to a justice deputy that was purportedly sexist (PSS Nos. 16, 17, 18).
6 Huntsman falsely claimed that Villanueva mocked him with a Jewish-sounding name—
7 when in fact, Villanueva used Huntsman's legal name, "Max-Gustaf," the same name
8 Huntsman displayed on his own office plaque *he still had on his desk at the time of his*
9 *deposition in this matter* (PSS Nos. 19, 20). Lim, for her part, falsely claimed Villanueva
10 tried to get her fired. In truth, *she was disciplined by her boss, Supervisor Hilda Solis—*
11 *not Villanueva* (PSS Nos. 21, 22, 23, 24).

12 The County's internal oversight panel, the CEOP, never reviewed Villanueva's
13 letters or the tweets that sparked his concerns. They relied entirely on flawed and biased
14 reports. And the County's own Rule 30(b)(6) witness, Mercedes Cruz, admitted that
15 Villanueva was found guilty of retaliation simply because he "interfered" with Lim and
16 Huntsman's oversight—a political, not legal, standard (PSS Nos. 28).

17 This kind of retaliation is exactly what the First Amendment is supposed to prevent.
18 Courts have long held that public officials cannot punish people for speaking out on
19 matters of public concern. See, *Coszalter v. City of Salem*, 320 F.3d 968, 974–75 (9th Cir.
20 2003); *Boquist v. Courtney*, 32 F.4th 764, 775 (9th Cir. 2022). And the Ninth Circuit has
21 been clear: even minor discipline, like false write-ups or a reassignment, can be enough to
22 chill protected speech. *Coszalter*, 320 F.3d at 974. What happened here is far worse.

23 Villanueva was the only former sheriff in the County's history to be placed on a "Do
24 Not Rehire" list—not even convicted felons have received that treatment (PSS Nos. 11–
25 12). And the timing speaks volumes: the notice came down just one month after he
26 announced his campaign for the Board, and the leak to the press landed the same day
27 ballots were mailed.

28 Sheriff Alex Villanueva engaged in extensive protected activity throughout his

1 tenure, directly opposing Measures A, R, and J, which he believed infringed upon public
2 safety and the democratic process (PSS No. 39). In addition to speaking out against these
3 ballot measures, Villanueva also opposed the County's issuance of no-bid contracts, the
4 implementation of vaccine mandates, and Fulgent Genetics' improper collection of
5 sensitive employee data — all matters of public concern implicating the rights and privacy
6 of County employees (PSS No. 40). His consistent engagement in protected speech placed
7 him at odds with County leadership and made him a target of retaliation.

8 Importantly, the County's claims of discrimination and harassment against
9 Villanueva are entirely unfounded. Villanueva did not discriminate against or harass Max
10 Huntsman in any manner, much less on the basis of any protected class (PSS No. 41).
11 Similarly, Villanueva did not discriminate against or harass Ester Lim in any manner, and
12 certainly not based on any protected characteristic (PSS No. 42). These allegations are a
13 transparent attempt to obscure the real motive behind the County's actions: animus toward
14 Villanueva's protected speech.

15 The Board of Supervisors' hostility toward Villanueva was palpable. Their actions
16 and rhetoric clearly demonstrated animus directed at Villanueva because of his opposition
17 to their policies and his public speech (PSS No. 43). This animus, rather than any
18 legitimate or lawful motive, drove the adverse actions taken against him.

19 Moreover, the terms "woke," "flunky," and "La Malincha" — cited by the County in
20 an effort to falsely ascribe discriminatory intent — do not reference any protected class
21 (PSS No. 44). The attempt to manufacture discrimination based on the use of these terms
22 is not only factually baseless but also an effort to deflect from the County's retaliatory
23 conduct.

24 Contrary to the County's insinuations, Villanueva did not open any criminal
25 investigations for improper purposes (PSS No. 45). All investigations initiated during his
26 tenure were conducted in accordance with applicable law and departmental policy, without
27 any ulterior or retaliatory motive.

28 Finally, the claim that Villanueva refused to participate in interviews is meritless.

Villanueva did not refuse to be interviewed; he appropriately sought clarification regarding the subject matter and process to ensure that he could provide informed and accurate responses (PSS No. 46). His reasonable requests for due process protections should not be distorted into allegations of noncooperation.

This isn't just a personnel decision—it's a political hit job. And it violates the First Amendment. Defendants' motion should be denied. There are serious disputes about motive, pretext, credibility, and retaliation. Those are issues for a jury—not for summary judgment.

2. STATEMENT OF FACTS

A. Alex Villanueva Dedicated Over 36 Years of Exemplary Service to Los Angeles County Law Enforcement.

Alex Villanueva devoted more than 36 years of his life to public service and law enforcement. He began his distinguished career with the Los Angeles County Sheriff's Department in 1986, steadily ascending through its ranks until his historic election as Sheriff in 2018—the first time in over a century that an incumbent Sheriff was unseated. (PSS Nos. 1-2.)

B. Sheriff Villanueva Frequently Exercised His Constitutional Right to Free Speech, Criticizing the Board of Supervisors on Significant Issues of Public Concern.

Throughout his term as Sheriff (2018-2022), Villanueva consistently spoke publicly on matters of critical importance, openly criticizing policies and actions of the Los Angeles County Board of Supervisors ("Board"). His speech addressed government accountability, public safety, and ethical conduct, often directly contradicting positions adopted by the Board. (PSS Nos. 3-6.)

C. The Board Demonstrated Open Animus and Hostility Towards Sheriff Villanueva's Protected Speech.

From early in his tenure, the Board exhibited overt hostility toward Villanueva's protected criticisms. Board representative Veronic Pawlowsky publicly stated it was

1 "inappropriate and offensive" for Villanueva to label the Board as corrupt. Further
2 evidencing animus, Villanueva was consistently limited to only three minutes of speaking
3 time at Board meetings, while other County department heads were permitted unlimited
4 time to address the Board. (PSS Nos. 3-4.)

5 The Board also accused Villanueva of "actual malice" after he publicly criticized the
6 Board's decision to award a no-bid COVID-19 testing contract to Fulgent Genetics,
7 despite legitimate FBI warnings regarding security risks posed by sharing sensitive genetic
8 data with foreign entities. (PSS No. 6.)

9 **D. Villanueva's Public Opposition to Board-Sponsored Ballot Initiatives**
10 **Increased Tensions and Retaliatory Motives.**

11 Sheriff Villanueva publicly opposed several controversial ballot measures supported
12 by the Board, including Ballot Measure J, which diverted critical funding away from law
13 enforcement under the guise of social justice reform. He also spoke against Ballot Measure
14 A, publicly characterizing it as a dangerous attempt by the Board to gain power to remove
15 elected sheriffs without voter consent. Additionally, Villanueva opposed Ballot Measure
16 R, which provided a civilian oversight board with unprecedented subpoena powers, which
17 he argued would be weaponized for political ends. (PSS No. 6.)

18 **E. Villanueva Publicly Warned Against the Board's Vaccine Mandates,**
19 **Intensifying Conflict.**

20 Villanueva also opposed the Board's COVID-19 vaccine mandate for County
21 employees, publicly warning that mandatory vaccinations would severely exacerbate
22 understaffing issues in the Sheriff's Department, negatively impact response times, and
23 compromise public safety. The Board viewed these warnings as direct challenges to its
24 authority, further deepening retaliatory motives against Villanueva. (PSS No. 7, 8, 9 and
25 10.)

26 ///

27 ///

28 ///

F. Defendants Initiated a Retaliatory Investigation Based on Coordinated Complaints by Lim and Huntsman, Who Sought Public Disclosure to Damage Villanueva's Reputation.

In March 2022, Defendants Esther Lim and Max Huntsman filed coordinated complaints against Villanueva, explicitly intending their allegations to become publicly known and politically damaging. Huntsman acknowledged in communications with Lim his specific desire for the complaint to be publicly disclosed, reflecting clear retaliatory intent. Lim and Huntsman mutually agreed to "support each other" through their coordinated allegations against Villanueva. (PSS Nos. 13-14.)

G. Despite Completing the Investigation in May 2023, Defendants Delayed Any Action Until Villanueva Announced His Political Candidacy.

The County's investigation into these complaints was completed by May 2023 but lay dormant without action or notification to Villanueva. Defendants took no immediate action on these completed findings, choosing instead to delay implementation of any discipline. (PSS Nos. 15.)

On September 13, 2023, Villanueva publicly announced his candidacy for the Los Angeles County Board of Supervisors. Approximately one month later, in October 2023, Defendants abruptly placed a punitive "Do Not Rehire" notation in Villanueva's personnel file, coinciding precisely with his active political campaign. (PSS Nos. 30.)

H. The Investigation Conducted Against Villanueva Was Riddled with Procedural Irregularities and Evidence of Pretextual Animus.

Significant irregularities marred Defendants' investigation. The interview of Kyla Coates—the only witness alleging direct sexist remarks by Villanueva—was deliberately left unrecorded despite instructions for it to be recorded. Further, the investigator falsely testified under oath claiming the interview was recorded, raising substantial questions about investigative integrity. (PSS Nos. 16, 17, 18.)

Max Huntsman, in his complaint, falsely accused Villanueva of harassment by allegedly calling him "Max-Gustaf," Huntsman's actual birth name that Huntsman

1 publicly displayed himself, *including at the time of his deposition* (PSS No. 19). Further,
2 the County admitted that calling someone by the name they were born with is not
3 discrimination and harassment. (PSS No. 20).

4 Esther Lim made multiple demonstrably false statements in her allegations against
5 Villanueva. She falsely asserted Villanueva sought her termination, despite knowing any
6 disciplinary actions she faced were directly from Supervisor Hilda Solis, not Villanueva.
7 Lim also falsely suggested discrimination based on age and ethnicity, despite admitting
8 Villanueva never referenced her race or gender or her true age. (PSS Nos. 21-24.)

9 The IAB report against Villanueva states Coates claimed Villanueva said
10 purportedly sexist comments directly to her. Coates however denied this at her deposition.
11 PSS No. 17-18).

12 Pawlowski falsely stated Villanueva said the justice deputies were “dumb women”
13 and “women and unqualified”. (PSS. No 27).

14 The CEOP held Villanueva committed retaliation *by sending a letter* without ever
15 reviewing the letter itself. (PSS No. 29).

16 Villanueva’s remarks concerning Lim and Huntsman were related to their policy
17 and political positions, not any protected class. (PSS No. 25, 26, 37).

18 **I. The CEOP Process Was a Sham Designed to Provide Political Cover, -**
19 **Ignoring Key Evidence and Explicitly Basing Findings on Villanueva’s**
20 **Protected Political Activities.**

21 The County Equity Oversight Panel ("CEOP") rubber-stamped investigative findings
22 without reviewing critical underlying evidence, including Villanueva’s letters or Lim’s
23 controversial tweets. Mercedes Cruz, the County’s designated representative, openly
24 stated Villanueva was found guilty of harassment and discrimination because he interfered
25 with Lim and Huntsman’s “oversight”—a determination explicitly tied to Villanueva’s
26 political disagreements and protected speech. (PSS Nos. 28.) Further, Timothy Murakami,
27 Villanueva’s undersheriff who was the primary point of contact between the Department
28 the Justice deputies, emphatically denied he retaliated against them or made their jobs

1 more difficult. (PSS Nos. 31, 36 and 37).

2 **J. Defendants Strategically Publicized the Retaliatory “Do Not Rehire”**
3 **Notation to Inflict Maximum Political Damage on Villanueva.**

4 The Investigator Logs for Ester Lim and Max Huntsman’s IAB investigate
5 establish the complaint was filed *March 2022 and complete by May 2023*. However,
6 no action was taken on the case until October 2023, just one month after Villanueva
7 announced a run for the Board of Supervisors. (PSS No. 15).

8 Defendants maliciously leaked information regarding the "Do Not Rehire" notation
9 to the Los Angeles Times, ensuring its publication on the very day mail-in ballots were
10 dispatched to voters. Villanueva learned of this punitive action only through the Times
11 article, never having been formally notified. This calculated timing was clearly designed
12 to inflict maximum damage on Villanueva’s reputation and candidacy for the Board. (PSS
13 Nos. 11-12.)

14 **K. The Retaliatory Actions Have Caused Severe and Lasting Harm to**
15 **Villanueva’s Professional and Personal Reputation.**

16 Defendants’ actions have profoundly harmed Villanueva’s professional and personal
17 reputation, effectively barring him from future employment in County government or
18 related public service positions. Placement on the "Do Not Rehire" list severely limits his
19 professional opportunities. (PSS Nos. 39.)

20 **3. LEGAL STANDARD ON SUMMARY JUDGMENT**

21 **A. The Applicable Summary Judgment Standard.**

22 A “party moving for summary judgment bears the burden of persuasion that there is
23 no triable issue of material fact and that [it] is entitled to judgment as a matter of law.”
24 FCRP 56.

25 **B. Villanueva Has Standing to Pursue His First Amendment Retaliation**
26 **Claim**

27 To establish Article III standing under Section 1983, a plaintiff must show (1) an
28 injury in fact, (2) that the injury is fairly traceable to the defendant’s conduct, and (3) that

1 the injury is likely to be redressed by a favorable decision. *Lujan v. Defenders of Wildlife*,
2 504 U.S. 555, 560–61 (1992); *El Dorado Estates v. City of Fillmore*, 765 F.3d 1118, 1121
3 (9th Cir. 2014). Villanueva meets all three requirements.

4 **(1) Villanueva Suffered a Material Adverse Action Likely to Deter**
5 **Protected Speech**

6 Being placed on a “Do Not Rehire” list constitutes a clear injury. The Ninth Circuit
7 has repeatedly held that even minor adverse actions—like a threat of discipline or an
8 unpleasant assignment—can chill protected speech and constitute injury in fact. *Coszalter*
9 *v. City of Salem*, 320 F.3d 968, 974–75 (9th Cir. 2003). Here, the adverse action was far
10 from minor.

11 Villanueva was the only former sheriff in Los Angeles County history ever placed
12 on such a list—even convicted felons were not. (PSS No. 39.) The County publicized this
13 action on the very day ballots were mailed for Villanueva’s election campaign, and
14 Villanueva only learned about the “Do Not Rehire” designation from a Los Angeles Times
15 article, not from the County. (PSS Nos. 11–12.) This unprecedented sanction not only
16 harms his political prospects but makes him effectively unemployable in any future public
17 role. That would chill anyone from speaking out. The retaliation here far exceeds what
18 *Coszalter* found sufficient. The “do not rehire” notation is discipline. Do Not Rehire means
19 what it says. The very form states that “Do Not Hire/Rehire” is a “determination of
20 discipline” There is on the form a place for when “no discipline” is warranted and it is not
21 checked in Villanueva’s instance. (PSS No. 39).

22 **(2) Villanueva’s Injury Was Directly Caused by Defendants’ Conduct**

23 Causation requires only that the injury be “fairly traceable” to the defendants’
24 conduct. *Allen v. Wright*, 468 U.S. 737, 751 (1984). The chain of events here is not
25 coincidental—it is direct and well-documented.

26 Although the County began investigating Villanueva in March 2022, it took no action
27 for over a year. The investigation was completed in May 2023 but was left dormant. Then,
28 just one month after Villanueva announced his candidacy for the Board of Supervisors in

1 September 2023, the County abruptly placed the “Do Not Rehire” notation in his personnel
2 file. (PSS Nos. 9–12.) The timing is no accident, it is clear retaliation for his protected
3 speech and political challenge.

4 **(3) Villanueva’s Injuries Are Redressable Through Injunctive Relief**
5 **or Nominal Damages**

6 The Supreme Court has confirmed that nominal damages are sufficient to meet the
7 redressability prong in a First Amendment case. *Uzuegbunam v. Preczewski*, 592 U.S. 279,
8 292 (2021). In addition to nominal damages, Villanueva seeks injunctive relief to remove
9 the “Do Not Rehire” designation, which continues to harm his reputation and career
10 prospects. Redress is not speculative—it is directly tied to the requested relief.

11 Defendants’ argument that Villanueva lacks standing because he has not applied for
12 more than job is meritless. Applying for a position when one is expressly barred by a “Do
13 Not Rehire” designation would be futile. The Ninth Circuit has long held that plaintiffs
14 are not required to engage in futile acts to preserve their standing. *Pickern v. Holiday*
15 *Quality Foods*, 293 F.3d 1133, 1137–38 (9th Cir. 2002).

16 **C. Villanueva Has Established a Viable First Amendment Retaliation Claim**

17 To prevail on a First Amendment retaliation claim, Villanueva must show (1) he
18 engaged in constitutionally protected speech, (2) he was subjected to an adverse action,
19 and (3) there was a causal connection between the two. *Boquist v. Courtney*, 32 F.4th 764,
20 775 (9th Cir. 2022).

21 **(1) Villanueva Engaged in Core Protected Speech**

22 Villanueva publicly criticized the Board’s support for ballot initiatives like Measures
23 A, R, and J, which shifted authority from elected officials to unelected panels and cut
24 funding from law enforcement. He also opposed the Board’s vaccine mandate and publicly
25 raised concerns about a no-bid testing contract with Fulgent Genetics, citing national
26 security warnings. (PSS Nos. 3–6.)

27 This speech—on government accountability, public safety, and voter rights—is the
28 heart of what the First Amendment protects. *Wood v. Georgia*, 370 U.S. 375, 389 (1962);

1 *Blair v. Bethel Sch. Dist.*, 608 F.3d 540, 543 (9th Cir. 2010).

2 **(2) Villanueva Was Subjected to a Materially Adverse Action**

3 As explained above, Villanueva’s placement on a “Do Not Rehire” list—leaked to
4 the media during a political campaign—would unquestionably deter a reasonable person
5 from continuing to speak out. (PSS Nos. 11–12.) That is exactly the kind of retaliatory
6 harm the First Amendment prohibits. *Coszalter*, 320 F.3d at 974–75.

7 **(3) There Is a Strong Causal Connection Between the Speech and the**
8 **Retaliation**

9 The record is filled with evidence of retaliatory motive. Kyla Coates, a Board deputy,
10 called Villanueva’s anti-corruption speech “inappropriate and offensive.” (PSS Nos. 3–4.)
11 Supervisors Ridley-Thomas and Kuehl authored a motion to remove him in direct response
12 to his speech. (PSS No. 4.) When that failed, the Board instructed Max Huntsman to
13 explore legal ways to remove Villanueva, which Huntsman admitted. (PSS No. 5.)

14 The County’s animus towards Villanueva’s speech is well documented in the record.
15 Villanueva was accused of “actual malice” for speaking out against no bid contracts and
16 for honestly stating that County’ employees had their date at risk. (PSS Nos, 7, 8, 9, 10
17 and 11). Justice deputies stated it was “inappropriate and offensive” for Villanueva to
18 *completely truthfully* say the board of supervisors was corrupt. (PSS No. 3-4). Villanueva
19 was limited to mere minutes to address the board, a limitation no other department head
20 had. (PSS No. 2). Villanueva’s protected speech was called “ridiculous” “inappropriate
21 and “very disappointing.” (PSS No. 33). Ester Lim publicly tweeted she was “so f---ing
22 p-ssed” at Villanueva’s response to subpoenas. (PSS. No 35).

23 Huntsman and Lim then filed complaints under the County’s Policy of Equity—not
24 alleging discrimination based on protected class status but based on Villanueva’s political
25 speech. They coordinated their complaints, admitted wanting them to become public, and
26 agreed to "support each other" to maximize their impact. (PSS Nos. 13, 14.)

27 Mercedes Cruz, the County’s 30(b)(6) witness admitted that Villanueva had a “do
28 not rehire” notation placed in his file because he resisted “oversight” a clear example of

1 political retaliation. (PSS No. 28). Further, Cruz’s testimony that Villanueva somehow
2 made the Justice Deputies jobs more difficult is patently contradicted by the record. (PSS
3 No. 31, 36 and 37).

4 Defendants delayed acting on the investigation until Villanueva announced his
5 campaign—then they rushed the “Do Not Rehire” action and leaked it to the press. (PSS
6 Nos. 15, 30.) This sequence strongly supports causation. *Howard v. City of Coos Bay*, 871
7 F.3d 1032, 1045 (9th Cir. 2017). Further, the panelists did not even review the underlying
8 evidence against Villanueva and testified that they “could [not] speak to that” when asked
9 about the allegations against Villanueva. (PSS No. 38). This further supports and inference
10 of improper motives.

11 **(4) Under Monell, a Single Decision Made by a Final Policymaker Can**
12 **Constitute Official Policy**

13 In *Trevino v. Gates*, 382 F.3d 978, 986 (9th Cir. 2004), the Ninth Circuit reaffirmed
14 that municipal liability under *Monell* arises not only from broad rules or customs but also
15 from “a course of action tailored to a particular situation and not intended to control
16 decisions in later situations.” Citing *Pembaur v. City of Cincinnati*, 475 U.S. 469, 481
17 (1986), the court held that such decisions—if made by an official with final policymaking
18 authority—can bind the municipality.

19 Moreover, under *McMillian v. Monroe County*, 520 U.S. 781, 785 (1997), an official
20 may qualify as a final policymaker not just in general terms, but “in a particular area, or
21 on a particular issue.” Whether an individual possesses such authority is determined by
22 function and context—not by title alone.

23 **(5) Chief Lecrivain Affirmatively Took on the Role of Decision Maker**
24 **in the Villanueva Case**

25 Chief Laura Lecrivain testified that she “was the decision maker on it” and “took the
26 case” as there was no other decision maker. She stated that the matter “default[ed] to the
27 chief of professional standards” when no internal supervisor existed. Her authority in this
28 context was not delegated—it was assumed and exercised based on her position and the

1 unique circumstances.

2 **(6) There Was No Existing Protocol for Handling Misconduct**
3 **Allegations Against a Sitting or Former Sheriff**

4 Lecrivain confirmed that she had “never adjudicated a case having to deal with a
5 former sheriff” and that there was “no protocol in place” for determining who would act
6 as decision maker when the subject of a CEOP investigation was a sheriff or former sheriff
7 (PSS No. 40). The unprecedented nature of the situation required her to formulate a case-
8 specific decision-making process (*Id.*) Lecrivain was a final policy maker with respect to
9 Villanueva.

10 **(7) Lecrivain Independently Exercised Final Authority and Sought**
11 **Legal Validation, Not Direction**

12 Although Lecrivain consulted County Counsel, she testified that she—not County
13 Counsel—made the ultimate decision. She brought the matter to legal counsel to confirm
14 legality, stating: “County Counsel doesn’t make the decision. I, ultimately, make the
15 decision as the division chief” (*Id.*) County Counsel “agreed” with the approach she
16 proposed, but did not issue the directive (*Id.*) This is consistent with the Supreme Court’s
17 holding in *Pembaur* that a single decision—even if informed by legal advice—can
18 constitute final policy if it is not subject to review and is made by a policymaker with final
19 authority.

20 **(8) The Sheriff's Unique Status Made Lecrivain the Only Viable**
21 **Decision Maker**

22 The deposition confirmed that the Sheriff has no supervisor within the department.
23 Lecrivain testified that “not to my knowledge” does the Sheriff report to anyone within
24 the Department (*Id.*) As such, there was no ordinary chain of command to follow in
25 adjudicating misconduct allegations against Sheriff Villanueva. Lecrivain stepped into this
26 vacuum and exercised exclusive authority, precisely the situation *McMillian*
27 contemplates: policymaking authority “in a particular area, or on a particular issue”
28 (*McMillian*, 520 U.S. at 785).

1 **(9) The Facts Satisfy Monell Because Lecrivain Was a Final**
2 **Policymaker Acting on a Unique Issue**

3 Applying the legal principles from *Trevino*, *Pembaur*, and *McMillian*, Chief
4 Lecrivain’s decision meets the standard for Monell liability:

- 5 • **She exercised final authority:** Lecrivain was not overruled, nor did anyone else
6 claim authority over the decision. She initiated and concluded the action, without
7 further internal review.
- 8 • **Her decision was tailored to a specific, unprecedented scenario:** There was no
9 formal policy covering discipline of a former sheriff. The DNR notation was a
10 unique course of action based on the particular facts and Villanueva’s status.
- 11 • **She operated in a policy vacuum and filled it:** No existing structure or protocol
12 addressed the issue, and her testimony makes clear she acted in her capacity as the
13 senior-most authority in Professional Standards.
- 14 • **The decision was not subject to review:** Her choice was not overridden by any
15 higher authority and was made in consultation—but not at the direction—of legal
16 counsel.

17 Thus, Chief Lecrivain’s actions were those of a final policymaker, and her decision
18 constitutes an official act of County policy under *Monell*.

19 **(10) All Defendants Are Properly Named.**

20 Government Code section 945 provides that “[a] public entity may sue or be sued.”
21 Meanwhile, Government Code section 811.2 defines a “a public entity” as including “the
22 state, the Regents of the University of California, the Trustees of the California State
23 University, a county, city, district, public authority, public agency, and any other political
24 subdivision or public corporation in the State.” In *Estate of Osuna v. County of Stanislaus*,
25 392 F.Supp.3d 1162 (E.D. Cal. 2019), the court held that there was no basis to dismiss the
26 Stanislaus County Sherriff’s Department from the plaintiff’s state law causes of action,
27 even though the County of Stanislaus was also named as a defendant. *Id.* at 1171. For the
28 same reasons, here, all public entities, which are all political subdivisions of the County

1 of Los Angeles, are properly named.

2 **4. CONCLUSION**

3 For all of the foregoing reasons, Alex Villanueva respectfully requests this Court
4 deny Defendants' Motion for Summary Judgment, or in the Alternative, Summary
5 Adjudication of the Issues.

6
7 Dated: April 28, 2025

SHEGERIAN & ASSOCIATES, INC.

8
9 By:  _____

Alex DiBona, Esq.

10 Attorneys for Plaintiff,
11 ALEX VILLANUEVA
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VILLANUEVA v. COUNTY OF LOS ANGELES, et al. USDC CASE NO.: 2:24 cv 04979 SVW (JC)

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am an employee in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 11520 San Vicente Boulevard, Los Angeles, California 90049.

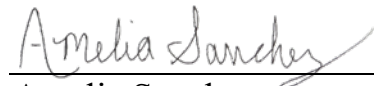
On April 28, 2025, I served the foregoing document, described as **“PLAINTIFF ALEX VILLANUEVA’S MEMORANDUM OF POINTS AND AUTHORITIES IN OPPOSITION TO DEFENDANTS’ MOTION FOR SUMMARY JUDGMENT OR, IN THE ALTERNATIVE, SUMMARY ADJUDICATION OF ISSUES”** on all interested parties in this action addressed as follows:

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☒ **BY CM/ECF NOTICE OF ELECTRONIC FILING:** I electronically filed the document(s) with the Clerk of the Court by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. Participants in the case who are not registered CM/ECF users will be served by mail or by other means permitted by the court rules.

☒ **(FEDERAL)** I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on April 28, 2025, at Los Angeles, California


Amelia Sanchez